#### DISCRETION OF EXECUTIVES

Do They Possess Any in the Enforcement of the Laws?

DEBATE BEFORE CURRENT TOPIC CLUB

Mr. Rosewater Argues in the Affirmative and Judge McCulloch in the Negative -Local Hitustrations Freely Cited by the Speakers.

An unusually large number attended the meeting of the Current Topic club at the Young Men's Christian association lecture room last evening, to hear the debate between Edward Rosewater and Judge Mc Culloch on the question. "Should an Executive Exercise Any Discretion in the Enforcement of the Laws?"

Owing to the fact that Major Halford had been suddenly called out of the city on official duty, the regular current topic review was omitted, and Mr. Rosewater was at once introduced by President Duryea to speak on the affirmative side of the question.

He said that while he had accepted as invitation to represent the affirmative side in the debate, he did not appear as the champion or the defender of any particular system of administration, but rather as the exponent of the principle that it was right for an executive to exercise discretion in the enforcement of laws. Proceeding to a discussion of the question, he said:

MR. ROSEWATER'S ARGUMENT It is decreed by the constitution of Nethat the supreme executive power shall be vested in the governor, who shall

Before assuming the functions of chief executive the governor is required to make oath that he will support the constitution of the United States and the constitution of the state, and that he will faithfully discharge the duties of his office according to the best of his ability.

Is the governor to have no discretion in the discharge of his duties? Is he under obligation to enforce every law on the stat-ute books regardless of the consequences or circumstances? or is he permitted in the discharge of his duties to exercise commo sense and diverge from the perpendicular line of absolute enforcement wherever the conditions and public sentiment compel a divergence? Do not custom and usage which make law, fully demonstrate that the executive must often exercise discretion in the interest of good government as well as for maintaining popular respect for law?
In examining the statute books we find obsolete laws, inogerative laws, impractica-

ble laws and pernicious laws.

The statutes of Connecticut and other New England states have for two centuries been encumbered with what are known as Puritan "blue laws" which have long

since become obsolete.

I need only instance a few of these laws to convince any rational mind that their enforcement in our day would only tend to bring ridicule and odium upon law in gen-

No food or lodging shall be offered a Quaker, Adamite or other heretic.

If any person shall turn Quaker he shall be banished and not suffered to return on pain of death.

No one shall run on the Sabbath day, walk in his garden or elsewhere, except everently to and from meeting.

No one shall travel, cook victuals, make beds, sweep house, cut hair or shave on the

No woman shall kiss her children on the Sabbath day or fast day. Whoever wears clothes trimmed with gold,

silver or bone lace above 2 shillings per yard shall be presented by the grand jurors and the selectmen shall tax the offender on No one shall read the common prayer book, keep Christmas or set days or play

on any instrument, except the drum or jews Married persons must live together or be

imprisoned in jail.
Who will contend that the present governor of Connecticut is bound to enforce these laws to the very letter? Does it not stand to reason that under existing conditions the enforcement is utterly impossible, and if attempted would be resisted and might even provoke violence and rioting?

The blue laws I have quoted are obsolete, but the following are still in force in Massa-Rogues and vagabonds, persons who us

any juggling or unlawful games or plays, common pipers and fiddlers, common drunk-ards, night walkers both male and female, may be committed to the house of industry or workhouse for a term not exceeding six months. Common fiddlers are no better than vagrants; uncommon fiddlers are exalted.

Tramps shall be punished by imprisonme In the house of correction or state workhouse for not less than six months or more than two years. All idle persons who not having visible means of support or who live without lawful employment shall be deemed vagrants and imprisoned not more than six months.

Innkeepers may refuse to supply food to strangers and travelers on Sunday. Whoever travels on the Lord's day, except from necessity or charity, shall be pun-ished by a fine not exceeding \$10 for each

Whoever keeping a house, shop, cellar or place of public entertainment or refreshment entertains therein on the Lord's day any person other than travelers, strangers lodgers, or suffers such persons on such day to remain therein, or in the yards, orchards or fields appertaining thereto, drinking or spending their time idly or at play, or in doing any secular business, shall be punished Now let me quote from the Con-Every person who shall engage in any

sport or recreation on Sunday between sun-rise and sunset shall be fined not more than \$4 nor less than \$1. Every person who shall be present at any concert of music, danc-ing or other public diversion on Sunday or on the evening thereof shall be fined \$4. Any sheriff, deputy sheriff, constable or policeman may, upon view, arrest tramps

without warrant, and upon conviction is entitled to a reward of \$5, to be paid by the All mayors, wardens and selectmen are

empowered and requested to appoint special constables, whose duty it shall be to arrest and prosecute all tramps in their respective cities, boroughs and towns,

NEBRASKA DEAD LETTERS. The statutes of Nebraska date back less than forty years and already we have piled up laws that no governor has ever been able to enforce and no governor has been

indiscreet enough even to attempt to put in For the past thirteen years we have had a law on our statute books which makes treating a misdemeanor, and yet there is not a single instance on record where the onforcement of this law has ever been at-tempted. It has been a dead letter from its inception, and will remain a dead letter

We have a law on the statute books that prohibits betting on elections, either state or national, and that, of course, would include offers or awards made by newspapers to those who would guess the name of the successful candidate or the number of votes that would be cast for him. This law has remained a dead letter simply because public

sentiment does not back it up sufficiently to make its enforcement practicable. We have a law on our statute books that requires every employer of female help in stores, offices or achools to provide a chair, stool or seat for each and every such em-ploye, upon which these female employes shall be allowed to rest when their duties will permit, and any neglect or refusal to provide a chair or stool for every female worker subjects the employer to a fine of from \$10 to \$500, which fine shall be paid to the fomale worker whom he has neglected to provide with a chair or seat. I doubt whether anybody can cite a solitary instance where this law has been enforced upon any employer or where any fine has ever been collected for failure to comply with it There are laws prohibiting the adulteration

of liquors and other laws which are equally inoperative with the no-treat law.

The laws of this state make New Year's day, Washington's birthday, the Fourth of July. Labor day, Thanksgiving day and

the law their observance is just as impora-tive as the observance of the legal Sabbath, which is Sunday, but public sentiment does not so regard them, and it would be imon the Fourth of July, on Thanksgiving day or on New Year's day. To be sure, our banking houses close, and there is a half holiday observance among business men on these days, but what would people who complain of the lax Sunday observance think of firing cannon; guns, fire crackers and displays of fireworks on an ordinary Sun-

I am aware, of course, that in the abstract It is expected that the executive, national, state or municipal, should exert all power at their command to enforce every law, but we are dealing with conditions and not Is it not manifest from what I have al-

ready stated that if the governor was im-peachable for falling to enforce every law on our statute books that we should have been without a governor for the last twenty-Let us now pass from the state to the

municipal executive. Under the charter for metropolitan cities the mayor is the chief executive officer and conservator of the peace throughout the city. He has the superintendency and control of all affairs of the city, and it is made his duty to see that the provisions of the charter and ordinances are complied with. The charter also provides that the mayor shall be active and vigilant in enforcing

all laws and ordinances of the city. QUESTION OF MAYOR'S DISCRETION. Now, the question is has the mayor any incretion in the enforcement of the laws

and ordinances as he finds them on the statute books? Is he in duty bound to en-force every law regardless of the pernicious and injurious consequences it might entail? I apprehend that no such construction can rationally be placed upon the duty

The mayor is expected to enforce the laws gainst Sabbath breaking. The statutes pro ide that if any person above the age of 14 years shall be found hunting, fishing, shoot-ing or quarreling on Sunday he may be confined in the county fail for twenty days or fined not to exceed \$20, or both, at the dis-cretion of the court. It would be easy enough to enforce the law against fishing and hunting, but how about quarreling on Sunday? Suppose the mayor should direct the police to arrest every man who quarreled on Sunday morning over waffles, his boiled eggs or his biled shirt? Suppose the mayor should cause the arrest of every man and woman who quarreled or Sunday about sleigh rides, or arrest all the women in town who quarreled on Sunday over their respective bonnets or dresses? The law declares that every person above 14 years of age who shall be found doing labor on Sundays, except charitable work and work as may be necessary, shall be guilty of a misdemeanor and subject to arrest and fine. Now, who is to decide for

the mayor what is necessary? We know that a Sunday paper is not an absolute necessity and therefore the mayor would be obliged, if he wants to enforce the Sunday law strictly, to close the newspaper offices, arrest the publishers, reporters, printers and pressmen who do work after midnight Saturday, and also cause the arrest of all saturday, and also cause the arrest of all the newsboys Sunday morning, and inas-much as a Monday paper is not a necessity any more than a Sunday paper, it would be his duty to cause the arrest of the publishers and employes engaged in labor for the Monday paper on Sundays before midnight, which would practically make it im-

possible to print a paper for Monday morn-ing. Everybody knows that a carriage ride is not a necessity, except for the rich who go to church in their own vehicles, there-fore it would be the duty of the mayor to close all livery stables and arrest all parties who take a drive in a hired rig on the

Sabbath day.

The world managed to exist without tele chones for several thousand years and therefore, telephones not being a necessity, it would be the duty of the mayor to close the telephone exchange Sundays. But some people would insist that telephones have become a necessity, because you might want to call for a doctor or order a carriage from a liveryman to attend a funeral or order drugs from the druggist. Right here we reach the point where the mayor must exercise his discretion, and he must decide whether or not work in the telephone exchange is a necessity or a desecration of the Sabbath in violation of law. But the stickler for strict enforcement of the letter of the law would say the mayor must en-

of the law would say the mayor must en-force the laws until they have been inter-preted or declared invalid by the courts. Theoretically, this would be correct, but in practice it is liable to cause untold hardship, and very often would precipitate con interpretation of the law was being held in

aboyance by the courts.

The statutes of Nebraska designate as a tramp any person going from place to place and asking or subsisting on charity. All idle persons, not having visible means of support and maintenance, and all persons out of employment who live in taverns, groceries, sheds, barns or in the open air, and all persons wandering about and begging, or who go from door to door or place to place, are declared by the laws of Nebraska vagrants, and upon conviction shall be fined and imprisoned in jail and be subject to hard labor in jail or elsewhere in the county as the court may order. The only exception to this harsh law is made in favor of per-sons disqualified from performing manual la-bor by physical inability, and all such, if the law is strictly enforced, must be sent to the alms house of the proper city or county.

Now how could the mayor of Omaha enforce the vagrancy law at the present time? If all the able-bodied men and women who are now out of employment in Omaha were dealt with according to the strict letter of the law we should have to construct jails that would hold four or five regiments of people. Who would be so cruel and inhuman as to attempt to execute this law even if the mayor should so order? I contend that the quintessence of all law is justice and humanity. Above all things we must be hu-mane if we want to be just, and wherever any law seeks to degrade and punish respectable breadwinners because they are unable to find work its enforcement would be crime against humanity. Such a thing would not be submitted to even by the oppressed and degraded peasants of Russia, let alone

intelligent free American citizens.

In times of plenty and prosperity these laws are salutary and for that reason they will probably always remain on the statute books, but it goes without saying that the executive officer of a large city must exercise discretion as regards their enforcement even in good times. He is not expected even in prosperous times to treat every penniless person who is temporarily out of employ ment as a tramp or vagrant.

GAMBLING AND SOCIAL EVIL. Passing from these striking instances where the chief executive is compelled to exercise discretion in enforcing law, we will now discuss the laws relating to gambling, the social evil and other vices that prevail to a greater or less extent in all large cities of the world. Beginning with gambling, of the world. Beginning with gambling, let me state that I am not of those who contend that gambling is essential to the well being of a community, large or small. Gambling in any form, whether public or private, whether in stocks, or grain, or real estate or money, is destructive of public morals and subversive to the well being of society. In this state gambling for money has been made a penitentiary offense, and every person that gambles for money subjects himself to the same penalties as the keepers of the gambling houses. Every

person that gambles for money is equally liable even when the stake is only a penny to make the game interesting. This is the weak spot of the law that has rendered it inoperative. Grand juries have indicted keepers of gambling houses, but their restrictions. houses, but their patrons would not testify because in so doing they would criminate themselves. It is safe to say that so long as the laws remain in their present shape it will be very difficult, if not impossible, to secure convictions. Concede that it is the duty of the municipal executive to enforce the laws against gambling, the question is whether in the discharge of this duty he may exercise any discretion. Is it expected that the mayor will indiscriminately cause the invasion by the police of every hotel, apartment flat and domicile where cards are apartment flat and domicile where cards are being played for a small ante in common with resorts where gambling is carried on for large stakes by professionals who make a living out of this criminal business? It would certainly seem that without some discretion on the part of the mayor and the police the enforcing of the gambling laws would invite frequent disturbances and invasions of private rights.

Right here let me call attention to the

fundamental, that the mayor is not expecte to make complaints against gamblers and gambling houses any more than any other It is the duty of all law-abiding has been committed to enter complaint, and it will then devolve upon the public prosecu-tor to file information against every offender whenever he has become satisfied that a crime has been committed. The open gambling house, as it is now said

to exist in Omaha, certainly affords much better opportunity for enforcing the gamb-ling laws than the closed gambling house. Nobody but those who actually play and the cappers, dealers and keepers are permitted to remain in the closed gambling house, and the men who gamble will never testify against themselves. On the contrary the open gambling house admits spectators who are no way implicated, and these spectators can be cited into court as witnesses and made to tell what they have seen and whom they have seen without criminating themselves. While professional gambling may be suppressed, at least for a time, playing of social games for money and se-cret gambling in hotels and private apartments could not possibly be suppressed without an espionage that would be intolerments could not possibly be able in any community.

IN THE WORLD TO STAY.

The experience of ages has abundantly confirmed the prevailing belief among all well informed people that the social evil can never be stamped out. All that can be done is to keep it within bounds and under strict police surveillance. While the statutes making the renting and keeping of houses of ill-fame a misdemeanor and subject the inmates to fines and imprisonment in fail, the charter clearly recognizes the scretion of the executive in the enforcement of this law.

Section 22 of the charter for metropolitan ities provides that the mayor and council shall have power to restrain, prohibit and suppress tippling shops, houses of prostitution, opium joints or dens, gambling houses,

Now to restrain clearly implies to hold in check, to curb or to confine within certain limits. If it was the duty of the mayor absolutely to suppress, then what would be the use of giving him power to restrain. The manifest intent of the law is to recog-nize existing conditions in metropolitan cities and leave to the mayor and council discretionary power to suppress where suppression is possible or to restrain where suppression is impracticable. The so-called burnt district is after all simply an expedient to hedge in and keep under surveillance the class of abandoned women that have chosen for themselves a life of open shame The most eminent political economista agree with the ablest medical experts that every attempt to scatter this vicious class is followed by the spreading of indecency and immorality.

The January number of the Medical Age published at Detroit, contains an editorial on the control of the social evil, from which the following extract is suggestive: "Control by the state should be demanded

n America for the reason that here the pagnios are the shelter of the criminal classes, whereas in Europe they are shunned by such, owing to the fact that all institutions of this class are constantly under police supervision, and without either back entrance or side exits."

In a choice between two evils, one naturally turns to the lesser, and those members of society who are not swayed by fanaticism and rule or ruin sentiments, have long recognized that control presents the only definite and satisfactory solution of the problem. The plea that control tends to render vice "respectable," which is so con-stantly reiterated, is both specious and puerile. Vice can never be respectable, since when it attains the latter status it is no longer vicious; further, vice is made more respectable by being left alone than when subjected to control that designates it as both vicious and criminal.

M'CULLOCH IN THE NEGATIVE. In presenting the negative side of the question, Judge McCulloch said that the proposition had been stated in such a way that it was difficult for him to guess how Mr. Rosewater would undertake to discuss it in the affirmative. He had supposed that the discussion would be confined to the local situation, and not go back to antiquity, as the discussion was before the Current Topic club. Mr. Rosewater had said that the eld blue laws were obsolete, yet they seemed to be printed on the statute books of today. It was impossible to intelligently argue today concerning the laws of hundreds of years ago, not having the conditions of that day before us, and we cannot have them, read history as we may. The question tonight was Examples in this city, in New York, Chicago and nearly all cities showed by sad experience that they did so exercise it; but should

"Mr. Rosewater," said the judge, "has not cited a law that would not be a wholesome one to have on the statute books in any city today. He says that the enforcement of them would not be tolerated, but that is only an assertion, it is not an argument. Let me read Webster's definition of an executive: 'An impersonal title of the chief magistrate or officer who administers the government, whether king, president the governing person or body. There are three forms of government, legis-lative, executive and judicial. If the execu-tive undertakes to exercise discretion as to what laws he shall enforce and how, usurps the power and privileges of another branch of the government and becomes a

"The question is not: Can you attain better results in this way or bring about greater morality? but it is: Has the execu-tive the right to do this?

LAW GIVES NO DISCRETION. "If he ought to use discretion, then the legislature ought to give him that power, and then he will not exercise it except as the power is given him, and it will not be his personal discretion. Mr. Rosewater says the mayor is given the discretion to restrain, prohibit or suppress, in the matter of the social evil. I don't agree with him as to social evil. I don't agree with him as to the interpretation. If the mayor suppresses or prohibits or restrains he does not exerdiscretion. He is simply enforcing the law in one of the three ways which the law directs. Whenever the legislature gives us a law giving the executive the right to either enforce or not to enforce it, then I will have no quarrel with the mayor, but as fong as it is this way, he can not arrogate to himself a discretion that the

"These old laws about the Sabbath day would be wholesome for us to have in this community. Because we repeatedly violate a law is no reason why it should not be on the statute books, nor why it should not be enforced. The trouble with Mr. Rosewater is that he thinks that all who take this side of this question would turn the mayor or governor into a police officer. He says governor into a police officer. He says that it is not the mayor's place to file a complaint any more than it is the duty of any other citizen. Perhaps so, but we have a provision in the charter giving him control of the police force and it is in his power to have any position he may take fully carried out. When repeated violations of the law are called to his attention and he refuses to take notice, we come down to the question whether or not he can exercise this discretion. If he can do it in one case, he can do it in another. We are not discussing what he does not see and what his attention is not called to, but the repeated violation of the law in this city as it has been for some time past. We must argue the question on principle, for when it his duty to enforce the law there is no other course open to him, no discretion for him to exer-

"We admit that the no-treat law, the anti-betting on election law and the anti-adulteration of liquor law are violated every day. So are laws against gambling, the social evil and the Sunday law. Will any

Highest of all in Leavening Power. Latest U. S. Gov't Report.

ABSOLUTELY PURE

one say that it wouldn't be for the betterment of the community is they were enforced? No one here would, say that treating is for the good of the community, but there are many who would say that the law in that particular could not be enforced. It never has been attempted it never has been tried in the slightest degree. But that is no argument that it is not the duty of the officers of the law to attempt to enforce it. Let them try it and then if they fail the blame will lie, at some one else's of the community if they were enfail the blame will lie, at some one else's door. But don't let them do like our mayor, take the law in their own hands and vote against a resolution like this: (Reading). This was introduced before the Board of Fire and Police Commissioners at a recent meeting and laid on the table by the vote of the mayor of this city. It merely calls for the enforcement of the law. That is exercising discretion in the enforcement of the law as exemplified by Mayor WHERE DISCRETION MIGHT END.

"If the question was: Should executives be given discretion by the legislature? it would be open for discussion and debate, but when it is: Should they exercise dis-cretion without authority of law? it seems cretion without authority of law? It seems to me that every one who is willing to look at it fairly must be on the negative side. Mr. Rosewater will, doubtless, in closing, defend Mayor Bemis by saying that under the policy pursued there is less gambling in the city than if the law were enforced. We are not discussing that tonight, but if so, I would vehemently deny it. Mayor Bemis is violating his eath by his course, even if he conscientiously believes that there is less gambling in the city under this system. Suppose a man was to shoot a desperade in the streets of this city. Suppose Mayor, Bemis was to say to the chief of police. Don't arrest that man. He has done the Don't arrest that man. He has done the community a benefit, for had he not killed that outlaw he would have himself killed several others before very long. Therefore by the exercise of his discretion he would not allow any officer to molest the murderer. He would not be justified in any such course by any one, because that crime would have no direct connection with: the city government. But gambling has the city government. such a connection with the city government.

If it is impossible to enforce the law, why is it that these lawbreakers and their sym pattagers rush in to protest against every move in that direction if they can gamble move in Anat direction if they can gamble so much more easily when it is not counternanced? The color of police of Chrago tried to stop the Garffeld park races, in the face of the opposition of the mayor and council. All know of the battle waged by that bende only the mayor and council. All know of the bat-tle waged by that heroic chief and his men against the gambiers and thugs of Chi-cago backed by that mayor and council. There was never so rotten a race course or racing club, but Major McLaughrey suc-ceeded in his undertaking. Before he was cceded in his undertaking. Before he was through, he had more than one of the great papers of that city at his back. What could he have done if he had been backed by the city government? It only needs the issuance of an order to accomplish these things—only the voice of the executive. There is no class so cowardly and quick to run as the criminal class, and none so bold and brazen-faced when backed by the local government.

local government. "Our city needs something besides having its monetary interests looked after; its morals demand some attention. When the mayor thinks something of how many young men and women he can save, as well as ho much money he can save, as well as now much money he can save, he will be entitled to some consideration. But we don't re-ceive this from our present executive. (The fire and police board resolution, with refer-ence to expecting the policemen to do their duty, was read.) We don't insist on his put-ting in his time hunting up violations of the law, but when his attention is called to it, we don't want him to exercise his discretion and refuse the request. Where does this idea of discretion come from ONLY A BAD EXCUSE.

"It is gotten up by reason of the necessity for an excuse. The greed of men for office or an excuse. In green we have here in Omaha in enforcing the laws. There is now some \$12,000 or \$15,000 on an annually by the gamblers for license. They tell us that if it was not so, we would have 100 gambling houses and they could not be supressed. They can license five and close the other ninetyfive. Strange logic! It may be impossible for us here in Omaha to get a mayor who would divorce himself from politics enough to enforce the law. It does not seem to be even a matter of discretion with Mayor Bemis—he is willing to go on record as declaring against the enforcement of certain laws. He seeks to usurp the prerogatives of a legislator, but seeks to excuse it because the blue laws are not enforced in Con-necticut, holding that because this is so, he can exercise discretion regarding the , he can exer enforcement of the laws as to the most heinous crimes and sins in the city of Omaha. Perhaps the social evil should be restricted and guarded, but our question is: What shall the executive do with the laws regarding it? This is more difficult to handle and detect, but so far as the executive is con-cerned his course is to enforce the law. They say the owners of some of the buildings that are rented for this immoral pur-pose are so-called respectable people. If so, the mayor could begin with some of them if he wanted to enforce the law. All we ask is that the executive shall enforce the laws as he finds them, and not that he legislate; that he shall attempt to do that which is right rather than that which he knows to be wrong; that he shall do his duty rather than what he has promised another against his own belief as to what is right and against his oath of office."

SPEAKING FROM EXPERIENCE. Before Mr. Rosewater stepped forward to take his closing remarks, Judge Pat O. make his closing remarks, Judge Pat O. Hawes said that he would like to offer the result of twenty-seven years' experience in nunicipal affairs. He was accorded the privilege. He said he had witnessed three spasmodic attempts of this kind to revolutionize the morals of the city of Omaha, and while each had doubtless done some good, the result had always been the same. He had come to the conclusion that it was very essential for the executive to have some discretionary powers to meet emer-gency cases. He had at one time served as police judge of this city, and it was during one of these crusades that barbers, milkmen, newspaper pubduring one barbers, milkmen, newspaper publishers and every other class doing any work on Sunday were arrested for violation of the Sunday law. Jury trials were demanded and the accused all went scot free. The milkmen proved that they left milk at houses where there were babies who would die if their supply was cut off; the barbers proved that men had to be shaved in order to go to church with their wives, and the jurors seemed to think papers were a Sun-day necessity for the publishers were also discharged, and away the whole crowd went. So far as the charge that the mayor had overstepped the bounds in the matter of regulating the social evil was concerned, it was unfounded. The charter conferred on the mayor and council the right to regulate

this matter, and their course was in strict compliance with the law instead of in viola-So far as gambling was concerned, the speaker cited a little biblical history to establish the antiquity of it, calling on Dr. Dur-yea to help him out, and said it would always continue, as it always had. He said that since the reopening of the houses under the present system there had been fewer gambling houses in Omaha than at any time since they were closed by the present state faw, June 4, 1887. He insisted that while he was liberal he was practical, and knew what he was talking about In closing, Mr. Rosewater said that when he accepted the challenge to debate he had no idea that he was to come here to discuss the conduct or miscomfuet of the mayor of Omaha or of any other individual, but to discuss the principle tavolved in the ques-tion announced for debate.

Dr. Duryea assured the speaker that this had been the intention and expectation. Mr. Rosewater said he wanted it under-

of Mayor Bemis. He was ready to admit that the mayor had made mistakes and had never contended otherwise. Judge McCullock had said that any of the old laws re-ferred to were good enough to have now, but he would not agree to that, and if the Judge had any idea of modern civilization he would realize that they could not be enforced. The old fogy theories and ideas as to travel and Sunday foed would not meet with favor with the present generation It was admitted that the executive was to superintend the administration of the law the laws enforced. This attack on the mayor, which had been kept up for months, began to look very much like mayor-baiting No such attack had been made on any of the other officers, yet the mayor would be help-less in spite of all that he could possibly do, if the county attorney was to refuse to prosecute. Why was not a charge made on the volved upon him as much as upon the mayor. The speaker said he did not agree with the mayor on the gambling question, nor with the last speaker. He did not believe in police surveillance, for it was the plain duty of any officer, whether in uniform or in citizen's clothes, whenever he witnessed a viola-tion of the law to arrest the violator. If this was not done that officer failed to do is duty, and the speaker did not propose to defend such a thing. He had never countenanced any frauds, whether pious frauds, city frauds, official frauds or newspaper frauds, and he did not propose to begin If the gentlemen engaged in this crusade meant to really inaugurate a reform benefit the city morally why did not they go about it in a manner that would lead to that end? The police court was open to them and they could file a complaint whenever the prosecutor would spare them a moment's attention. It was open for Judge McCulloch if he was so disposed just as it was open for any citizen, and they ould begin their presecution of the owners of houses rented for immoral purposes Just as soon as they wanted to. A correspondent had asked that a register; be kept for the names of the men who visited the burnt Such a thing would avail nothing as among the first names that would probably appear in it would be those of Judge

McCulloch and Frank Crane, as the parties never gave their own names, as was shown by the police blotter when raids were made, and the guilty ones would put down names of the most prominent, respected and in fluential men in the community. The trouble was that administrations had to deal with facts and not with theories. It couldn't be expected to have a large city free from the dross and dregs of society. Society had made them, and no stream could rise above its source.

Endorsed the Hill Bill.

CLEVELAND,O., Feb. 9-At the meeting of the National Dairy union it was decided to bring every influence to bear for the passing of the Hill bill giving police control over fraudulent food products. A bill was also drafted prohibiting the fraudulent sale of oleomargarine. Adjourned sine die.

WEATHER FORECASTS.

Fair and Decidedly Colder Are the Nebraska Predictions for Today. WASHINGTON, Feb. 9.—Forecasts for Saturday: For Nebraska, Kansas and South Dakota-Fair; decidedly colder; portherly winds.

For Missouri-Generally fair; cold wave; northwesterly winds. For lowa—Snow flurries; colder in southern portion; variable winds. Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Feb. 9.—Omaha record of temperature and rainfallcompared with corresponding day of past four years: past four years: 1894, 1893, 1892, 1891.

Maximum temperature 323 323 270 80

Minimum temperature. 180 150 40 20

Average temperature. 250 240 163 30

Precipitation......1.11 .01 .00 .00

Statement showing the condition of temperature and precipitation at Omaha for the day and since March 1, 1893; Normal temperature.....

STATIONS	Temperature at 8 p. m	Max. Temper- ature of day	Precipitation.	State of weather
Omaha	18	32		Cloudy, Clear.
North Platte	99	30		Clear.
Valentine	14	20	.00	Clear.
Chicago	32	46	.08	Cloudy.
St. Louis	40	58		Cloudy.
St. Paul.	30	36		Cloudy.
Davenport Kansas City	92	40		Snow.
Denver	- 09	32		Cloudy.
Salt Lake City	24	32		Cloudy.
Rapid City	10	14		Clear.
Helena	•5	- 8	.01	Snow.
Bismarck	•12	4	.00	Part cloudy
St. Vincent		16	.10	Snow.
Cheyenne	20	26	.00	Cloudy.
Milen City	6	41	T	Clear.

Galveston 64 72 .00 Part cloudy. "T" indicates trace. \*below zero.

GEORGE E HUNT, Local Forecast Official.



Brings comfort and improvement and tends to personal enjoyment when rightly used. The many, who live bet-ter than others and enjoy life more, with less expenditure, by more promptly adapting the world's best products to the needs of physical being, will attest the value to health of the pure liquid laxative principles embraced in the remedy, Syrup of Figs.

Its excellence is due to its presenting in the form most acceptable and pleasant to the taste, the refreshing and truly beneficial properties of a perfect laxative; effectually cleansing the system, dispelling colds, headaches and fevers and permanently curing constipation It has given satisfaction to millions and met with the approval of the medical profession, because it acts on the Kidneys, Liver and Bowels without weakening them and it is perfectly free from every objectionable substance.

Syrup of Figs is for sale by all druggists in 50c and \$1 bottles, but it is man ufactured by the California Fig Syrup Co. only, whose name is printed on every package, also the name, Syrup of Figs, and being well informed, you will not accept any substitute if offered.

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## FOR LA GRIPPE SUFFERERS.

The Reformer Editor Tells of His Experience with This Dangerous Disease.



EDITOR J. H. LIVINGSTON.

BENNINGTON, VT., Dec. 16, 1893. In the spring of the year 1891 I was attacked with grip. I was laid by from business for about two months, a portion of the time as sick a man as ever lived through that mysterious disease. From the effects of the attack I was really ill all summer, weak and tired and dis-

In the spring of the year 1892 I suffered another onslaught of the same disease, and lost seventeen pounds of flesh in two weeks. I went back to my duties again with a settled conviction that I would be obliged to pass through another summer of misery, but happily I resorted to be understood that celery compound to the use of Paine's celery compound, is as greateful to the palate as good and doubtingly I admit, for I was chary of so-called proprietary medicines. But gorating and lasting in 'ts effects than before the first bottle was used, convicting any wintage of the fruit of the genus tion dawned upon me that here was the elixir, if not of life, still of health, and I

within a month I was merding and really better than before the grip first made my unwilling acquaintance.

And now when tired from brain work

or business cares I take a wine glass of celery compound on going to bed, and wake in the morning ref eshed and fit to begin again the toils and meet successfully the vexations that infest the

My wife, who is not wholly free from the ills inherent in womankind, manages with my help, to consume the contents of about a half-dozen bottles of the compound a year, to the great benefit of her health and my happiness. It ought wholesome wine, while it is more inviany wintage of the fruit of the genus

J. H. LIVINGSTON.

"Oh, what would the world be to us

"If Children were no more?

Don't Neglect the Children.

"We should dread the desert beyond us

the dark before."

"Worse than

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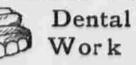
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